

CHECKLIST ENVIRONMENTAL ASSESSMENT

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| Project Name: | Department of Corrections' land sale in Miles City |
| Proposed Implementation Date: | April 17, 2006 |
| Proponent: | Department of Corrections |
| Location: | N2NW4SW4 in Section 26, Township 08 North, Range 47 East. |
| County: | Custer |

I. TYPE AND PURPOSE OF ACTION

DNRC – Eastern Land Office (ELO), on the behalf of the Pine Hills Youth Correctional Facility, Department of Corrections (DOC), brings to the Land Board a proposal to sell 15 to 20 acres (Section 26, Township 8 North, Range 47 East) of DOC-administered land. This land will be sold at a public oral auction.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

Sanjel USA, a local oil and gas service company, requested of the Custer County and Miles City governments to provide them with local sites that met their development criteria. The DOC parcel has attributes important to the completion of project and is the primary parcel of interest. There has been involvement of the local State Legislative Representative, Gary Matthews, and the Governor's Chief Business Officer.

January 17, 2006 – State Board of Land Commissioners gave preliminary approval for DOC to sell the parcel described above at public oral auction.

January 16, 2006 through February 17, 2006 - On behalf of DOC, DNRC initiated a 30-day public comment period for this land sale proposal by a public notice in the Miles City Star legal section.

PUBLIC COMMENT SUMMARY:

DNRC received approximately 85 responses to the public notice. All public comment was directed at the future use of the parcel rather than the sale of the parcel. DOC will be selling the property at public auction in compliance with 77-2-301 & 321, MCA, and has no control over future development. Development of the parcel will be regulated by applicable state and local regulations.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Development of the parcel will be regulated by applicable state and local regulations.

3. ALTERNATIVES CONSIDERED:

1. No action: Do not sell DOC-administered parcel at public auction.
2. Action: Sell 15 to 20 acres (actual size of the parcel will be established by a final survey plat) of DOC-administered state land for development.
3. Action: Subdivide 60 acres of DOC-administered state land to provide various sized parcels for future sales.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

The soils for this area are mixed, ranging from silty clay, silty clay loam, loam, fine sandy loam, very fine sandy loam, and shallow rock-outcropping. The area lies in a 10 to 14 inch precipitation zone with an average annual forage production of 1550 lbs/acre. The slopes range from 0 to 2 %. The area has a very high water table that along with associated clayey soils generate saline seep conditions throughout much of the area. Development of the parcel will be regulated by applicable state and local regulations.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

This area lies in a 10 to 14 inch precipitation zone. It is noted that the area has a "high-water table" condition, evidenced by soil and vegetation features on site, (tussocks and saline vegetation types). Water Right 42KJ-W-176367 is a "stock-water well" located on the parcel. The area is surface-irrigated through developed shares of the T & Y Irrigation District. Ag lease irrigation methods employed on this and adjacent parcels are "flood irrigation".

Development of the parcel will be regulated by applicable state and local regulations.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

Future use of the site will be regulated by applicable state and local regulations.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

A Natural Heritage Program query did not establish that any rare plants are associated with this parcel. (Natural Heritage Program report available upon request from DNRC Eastern Land Office.) This area is currently designated as "agriculture / grazing " and is considered to have relatively "poor" forage production due to a high water table and relatively heavy silty/clayey soils. (DNRC Surface Management / grazing files are available from the DNRC ELO upon request. Lease File: Custer # 9399.) Development of the parcel will be regulated by applicable state and local regulations.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

No significant values regarding terrestrial, avian and aquatic life and habitats were found to be associated with this parcel as determined by the ELO files and a Natural Heritage Program search. Development of the parcel will be regulated by applicable state and local regulations.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

A search of the Natural Heritage Program data base revealed no unique, endangered, fragile or limited environmental

resources associated with this parcel. Development of the parcel will be regulated by applicable state and local regulations.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontologic resources.

On January 17 and 18, 2006 a Class III inventory of cultural and paleontologic resources was conducted by the DNRC archaeologist on a 220-acre block of state land situated in the **S1/2 of Section 26 T8N R47E** and encompassing the 20 acres considered for this sale at public auction. No cultural resources were identified during the course of investigation, so there will be No Effect to Heritage Properties with the proposed departmental action. A cultural / paleontologic report that details the project area, the field methods used for inventory of the state parcel, and the results of that cultural and paleontologic resources inventory is on file at the DNRC Headquarters in Helena and with the State Historic Preservation Office. This report can be referenced by DNRC Project #2006-4-1.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

This parcel is located directly adjacent to Miles City's city limits on Haynes Avenue. There are established light industrial facilities located adjacent to the parcel. There is also residential development located to the south and adjacent to this parcel. Development of the parcel will be regulated by applicable state and local regulations.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

Development of the parcel will be regulated by applicable state and local regulations.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

Development of the parcel will be regulated by applicable state and local regulations.

| IV. IMPACTS ON THE HUMAN POPULATION |
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| <ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i> <p>It is not known who will purchase the parcel at public auction. Development of the parcel will be regulated by applicable state and local regulations.</p> |

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

The Custer County – Miles City, Comprehensive Plan 1980 and City Zoning Code Ordinance Chapter 24 addresses local government and state applied standards.

The sale of this parcel will result in no changes to human health and safety. Any health and safety risks associated with future development will be addressed through enforcement of applicable federal, state and local government regulations.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

Property is currently under DNRC Ag/Grazing Lease #9399. There will be a reduction of revenue to the General Fund

of \$69.90 under ALTERNATIVE #2 and of \$209.70 under ALTERNATIVE #3.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

The sale of this parcel will result in no changes to the existing job market. Development of the parcel will be regulated by applicable state and local regulations.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

The sale of this property will result in the conversion of this parcel of state non-trust land, which is tax exempt, to the local taxable land base. The amount in tax revenue derived by local government will depend upon the new land use.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services.

The sale of the land would result in no changes in demand for city services. Development of the parcel will be regulated by applicable state and local regulations.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

Development of the parcel will be regulated by applicable state and local regulations.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

This parcel does not currently provide for any significant local recreational or wilderness access.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

The sale of the parcel would result in no changes in population in the area. Development of the parcel will be regulated by applicable state and local regulations.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

The sale of the parcel would not alter or disrupt existing social structures or traditional lifestyles. Development of the parcel will be regulated by applicable state and local regulations.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

The sale of this parcel would not affect any unique quality of the area. Development of the parcel will be regulated by applicable state and local regulations.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

There will be no return to the trust as this land is DOC-administered and not DNRC-administered. As non-trust land, revenue generated from the sale of this parcel will go directly into the Montana State General Fund.

**EA Checklist
Prepared By:**

Name: Rick Strohmyer

Date: 3/6/06

Title: Area Manager

V. FINDING

25. ALTERNATIVE SELECTED:

Alternative 3: Subdivide 60 acres of DOC-administered state land to provide various sized parcels for future sales.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

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EIS

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More Detailed EA

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No Further Analysis

**EA Checklist
Approved By:**

Name: Candace Durran

Title: Real Estate Section Supervisor

Signature:

Date: 04/28/2006